

CM/ECF Version 3.1  
Requirements for Attorneys

A. In general

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 imposed new statistical reporting requirements on the judiciary that became effective on October 17, 2006. Version 3.1 of CM/ECF is designed primarily to collect and transmit additional data about bankruptcy filings and adversary proceedings as required by BAPCPA.

An attorney training manual for Version 3.1 is posted on our website under “Announcements”. The manual does not contain all of the information necessary to capture the statistical requirements of BAPCPA.

Practitioners will notice some changes to case opening screens. Attorneys must now enter the total amounts from the schedules and statements of current monthly income in the case opening process. Some of the official forms have also been revised, including the Voluntary Petition, Summary of Schedules, and Schedules D, E, F, I, and J. In addition, the adversary proceeding cover sheet has been changed and has a new numbering system for the different types of suits. The main page of the court’s website contains a link to the forms.

B. Specific changes

1. Amended Motions

An amended motion should be filed under the Amended Motion event code and linked to the original motion. Using this procedure, the correct statistics will be captured. If the filer docket the amended motion by going to the original motion event code and picking the word "amended" from the drop-down prefix box, CM/ECF will count this as a second motion. If a fee is attached, an additional fee will be charged.

Objections should be linked to both the amended motion and the original motion.

2. Generic Motions

Avoid selecting the generic motion event code if a specific motion event code is available. If you are have trouble finding the correct motion event code, contact the case administrator for assistance. Generic motions will be deemed deficient, and attorneys will be asked to re-file the motion under the correct event code.

### 3. Amended v. Modified Plans

BAPCPA requires the courts to capture statistics on amendments to plans before and after plan confirmation. To correctly capture the statistics, CM/ECF defines an “amended” plan as one filed **before** confirmation, and a “modified” plan as one filed **after** confirmation. Attorneys should file a separate amended or modified plan when the court grants the amendment or modification.

Motions to suspend plan payments are considered to be modifications to plans. A separate plan modification should be filed when the court grants a motion to suspend plan payments.

### 4. Schedules and Amended Schedules

Because filers will be prompted to enter the total amount of an individual schedule, each schedule or amended schedule filed after the original petition is filed must be filed separately.

### 5. Summary of Schedules

Page 2 of the Summary of Schedules has been modified to collect additional data. Page 2 is now entitled “Statistical Summary of Certain Liabilities and Related Data (28 U.S.C. § 159)”.

Because the clerk's office must now monitor the filing of these items, if the items are not filed together with the petition in the case opening process, the clerk's office will deem the filing deficient in CM/ECF for being incomplete and set a 15 day deadline.

October 12, 2006